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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,	CR 14-23-BU-DLC
Plaintiff,	UNITED STATES' RESPONSE
vs.	
ANGEL ITURBE-GONZALEZ,	
Defendant.	

Comes now the United States of America by and through its counsel, Tara J. Elliott, Assistant United States Attorney for the District of Montana, and hereby responds to the Court's Order dated July 22, 2019. (Doc. 98.)

The United States made two formal plea offers to the defendant. The first plea agreement provided to the defendant (“PA1”) was sent to the defense counsel on April 6, 2015. *See* Ex. A. PA1 contemplated a plea under Rule 11(c)(1)(A) and (B) of the Federal Rules of Criminal Procedure with a corresponding superseding information.

The second plea agreement provided to the defendant (“PA2”) was sent to the defense counsel on April 15, 2015. *See* Ex. B. PA2 contemplated a plea under Rule 11(c)(1)(A), (B), and (C) of the Federal Rules of Criminal Procedure with a corresponding superseding information and an agreed upon sentence of 57 months. *Id.* at 2-3.

Additionally, while this may not be the Court’s direct concern, the Government’s Trial Brief references the two plea agreements and their existence was discussed at the pretrial conference. *See* Doc. 30 at 4 and Ex. C (excerpt from pretrial conference transcript).

The Government hopes these facts remedy the Court’s concerns, but should the Court require additional information, the Government respectfully requests that the Court grant an Order allowing previous counsel, John Rhodes, to waive attorney/client privilege in order to assist in the Government’s support of the defendant’s conviction.

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Respectfully submitted this 23rd day of July, 2019.

KURT G. ALME
United States Attorney

/s/ Tara J. Elliott
Assistant U.S. Attorney
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2019, a copy of the foregoing document was served on the following persons by the following means:

- (1) CM/ECF
- () Hand Delivery
- () U.S. Mail
- () Overnight Delivery Service
- () Fax
- () E-Mail

1. Clerk, U.S. District Court

/s/ Tara J. Elliott
Assistant U.S. Attorney
Attorney for Plaintiff